



ACTV, Inc.

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Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M. Street NW
Washington, DC 20554

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In the Matter of

New comments on DBS Public Interest)
Rulemaking and the implementation of)
Section 25 of the Cable Television)
Consumer Protection and Competition)
Act of 1992, Direct Broadcast Satellite)
Service Obligations.)

MM Docket No 93-25

COMMENTS OF

ACTV, Inc.
1270 Avenue of the Americas
New York, NY 10020
USA

ACTV files these comments on September 12, 1997, in the FCC's DBS Public Interest Rulemaking MM Docket No. 93-25, specifically, with regard to the mandate that a DBS provider reserve a portion of its channel capacity exclusively for noncommercial programming of an educational or informational nature. This matter is now being handled through the International Bureau of the Commission. The Satellite Broadcasting and Communications Association (SBCA) has suggested the creation of a non-profit board to set the criteria for public service programming. This board would also serve as a clearing house for such programming. Others have suggested that licensees fund this board and some, if not all, of the public service programming on DBS. We support both of these suggestions as a method to develop meaningful, unique, high quality public service programming that will distinguish the DBS industry in an important way.

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ACTV has developed a patented programming technology that is compatible with any MPEG 2 digital television transmission system and which can be applied to any form of television programming content. The ACTV programming technology enables educational content providers to create individualized instructional programming which allows each viewer to participate in the learning process in a very personalized way. ACTV enhanced programs can be transmitted on a point to multi-point basis to an unlimited number of digital DBS receivers. ACTV has a long history of creating individualized instructional programming for closed circuit analog systems in universities and schools. Digital DBS transmission systems make it possible for this same programming to be distributed directly to the home. In addition, the authoring tools are simple and inexpensive for schools, universities and governmental agencies to use. Educational programmers could use ACTV to improve the quality of their content and increase viewer involvement in educational programming.

ACTV is willing to give its programming software application to DBS licensees who agree to include the application in their digital transmission platform and to extend a royalty free license to DBS licensees and program producers for the creation of educational public service programming transmitted as part of the public service requirement by licensees. ACTV is willing to provide instruction and assistance on a cost only basis for the development of educational programming for DBS distribution. Licensees that desire to use the ACTV application need only modify their digital encoding system to meet the software specifications for ACTV and provide a complimentary software application in their home receivers. These specifications have already been developed jointly by ACTV and the Sarnoff Corporation and have been adopted by Next Level Systems, Inc. in digital equipment now being supplied to the cable television industry.

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ACTV makes this offer in the interest of improving the quality of public service and educational program content delivered by DBS. Individualized instruction and viewer participation in the television viewing experience enhances the value of this form of programming and demonstrates greater social responsibility by the licensees. The ACTV program features are made possible through digital DBS transmission methods. We ask that the Commission include a recommendation in its rules that licensees make use of the ACTV programming technology and offer this improved form of individualized programming as a public service and credit licensees that do offer this unique form of programming with a greater commitment to their public service responsibility.

Submitted by:

A handwritten signature in black ink, appearing to read "W.C. Samuels", with a stylized flourish at the end.

William C. Samuels, Chairman
ACTV, Inc.

1270 Avenue of the Americas
New York, NY 10020
September 12, 1997

cc: Ari Fitzgerald - FCC
Brian Carter - FCC